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Application No: 10/590,874
Amendment A
Reply to Office Action Dated 11/28/2007

Attorney Docket No: 3926.261

REMARKS

Claims 1-9 are now pending in the application. Claims 1, 6, and 9 have been amended.

Claim Rejections - 35 U.S.C. § 112

Claim 6 has been rejected under 35 USC 112, second paragraph, as being indefinite. More specifically, the Examiner has stated that "flat lattice structure and/or at least one perforated plate" as recited in claim 6 is not clear.

Applicants believe that the limitation "flat lattice structure and/or at least one perforated plate" clearly includes both "flat lattice structure and at least one perforated plate" and "flat lattice structure or at least one perforated plate." However, claim 6 has been amended to replace the phrase "and/or" with "at least one of," which is commonly accepted in claims language, in order to facilitate the prosecution.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 6, and 8-9 have been rejected under 35 USC 103(a) as being unpatentable over Emerling et al. (US 7,050,593, hereinafter Emerling) in view of Denda et al. (US 6,480,614, hereinafter Denda).

Claims 2-5 have been rejected under 35 USC 103(a) as being unpatentable over Emerling in view of Denda and further in view of Umebayashi (US 2004/0084936).

Claim 7 has been rejected under 35 USC 103(a) as being unpatentable over Emerling in view of Denda and further in view of Fero et al. (US 6,959,956).

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The present invention concerns a motor vehicle in which at least one microphone (8) is fitted to a headliner (4) of a vehicle occupant cell of the vehicle and at least one sun visor (6) is pivotally fitted to the headliner (4). The microphone (8) is located at a point on the headliner (4) at which it is masked by the sun visor (6) in a position swung up against the headliner (4), and the sun visor (6) is sound-permeable at least in its area masking the microphone (8). The present invention provides a simple way of allowing the speech of a vehicle occupant to be registered with a high level quality (see paragraph [0004] of the specification of the instant application). Making the sun visor, at least in its area masking the microphone, sound-permeable in accordance with the invention, means that the area of the headliner masked by the stowed sun visor can be used for fitting the microphone. When the sun visor is swung up against the headliner its sound-permeable design allows the microphone to pick up useable voice signals, and when the sun visor is swung out it does not obstruct the microphone in any way (see paragraph [0006] of the specification of the instant application).

Emerling discloses a vehicle overhead audio system in which a headliner of the vehicle is a loudspeaker of the system. However, as admitted by the Examiner, Emerling does not disclose at least sun visor pivotally fitted to the headliner, wherein the microphone is located at a point on the headliner at which the microphone is masked by the sun visor in a position swung up against the headliner and the sun visor is sound-permeable at least in its area masking the microphone.

Denda discloses a planar acoustic transducer (such as a flat speaker), which is, as shown in Fig. 16, embedded in a sun visor 36 at a substantially central location. In contrast to the present invention in which the microphone is fitted on the headliner, in Denda the microphone is embedded in the sun visor. The present invention rules out locating the microphone on the sun visor because such a microphone would deliver usable results only when the sun visor was in a suitable position (see paragraph [0006] of the specification of the instant application).

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Although Denda shows a sun visor pivotally fitted to the headliner, Denda does not disclose that the microphone is located at a point on the headliner (4) at which the microphone is masked by the sun visor (6) in a position swung up against the headliner (4), and the sun visor (6) is sound-permeable at least in its area masking the microphone (8). In Denda, the speaker unit is coated with a protecting material which is permeable to sound (see column 18, lines 32-33). One advantage of the present invention is that the sun visor according to the present invention does not differ in its external appearance from conventional sun visors and can thus replace the latter and reduce the number of components needed in vehicle production (see paragraph [0006] of the specification of the instant application). In contrast, the sun visor according to Denda cannot replace the conventional sun visors because of the embedded speaker.

Clearly, none of the cited references or any combination thereof discloses that the microphone is located at a point on the headliner (4) at which the microphone is masked by the sun visor (6) in a position swung up against the headliner (4), and the sun visor (6) is sound-permeable at least in its area masking the microphone (8), as recited in claims 1 and 9 of the instant application. Claims 1 and 9 are, therefore, believed to be patentable over the art and since all the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

The Commissioner is hereby authorized to charge any fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account Number 50-0951.

Favorable consideration and early issuance of the Notice of Allowance are respectfully

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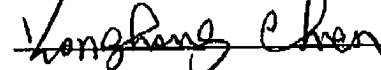
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requested. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

Date: February 7, 2008

Respectfully submitted,



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